

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

IN RE: CMS ENERGY
SECURITIES LITIGATION

CIVIL ACTION NO. 02 CV 72004 DT

DISTRICT JUDGE GEORGE CARAM STEEH

MAGISTRATE JUDGE VIRGINIA MORGAN

DISCOVERY ORDER

The court conducted an unrecorded conference call with counsel for the parties who called regarding a videotape of a deposition to be taken Friday, March 24, 2006, in Houston, Texas. The parties discussed their concerns with the magistrate judge to whom this matter had been referred.

The parties current practice is to videotape the witness only (not the attorneys) with one camera. CMS requests for this deposition a second camera to record the lawyers speaking. After discussion and consideration of the arguments and relevant case law, the magistrate judge finds that no second camera is legally required but one may be used in this instance at CMS's expense and without being deemed a "taxable cost." Such second camera shall record in one shot the deponent and the lawyers (the questioner and the objector). The remaining details shall follow the parties' past practice. No ruling is made with respect to any issues of admissibility at trial of

either tape, and these remain for stipulation or resolution by the district judge at a later stage in the case.

No costs to either side.

SO ORDERED.

s/Virginia M. Morgan
VIRGINIA M. MORGAN
UNITED STATES MAGISTRATE JUDGE

Dated: March 23, 2006

PROOF OF SERVICE

The undersigned certifies that the foregoing Discovery Order was served upon counsel of record via the Court's ECF System and/or U. S. Mail on March 23, 2006.

s/Jennifer Hernandez
Case Manager to
Magistrate Judge Virginia M. Morgan